

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION INC. and  
E. JEFFREY PEIERLS, individually  
and as trustee

Plaintiffs,

v.

JAMES E. RURKA, MARK SKALETSKY,  
PAUL J. MELLETT, RICHARD ALDRICH,  
KATE BINGHAM,  
CHARLES W. NEWHALL III,  
DAVID SCHNELL, and JOHN P. WALKER

Defendants.

Civil Action No. 03-12213 EFH

**JOINT MOTION FOR ORDER REVISING SCHEDULING ORDER**

Now come the parties pursuant to Local Rule 16.1(G) and respectfully request that the Court revise the schedule in this matter. In support of this motion, the parties state as follows:

1. This is a securities action filed under Section 18 of the Securities Exchange Act of 1934, 15 U.S.C. § 78 *et seq.*
2. After commencing written discovery, the parties agreed to submit this matter to mediation.
3. Upon order of the Court dated February 8, 2005, the parties submitted to mediation with Kyle Lefkoff, a business person located on Colorado. The parties and the mediator diligently pursued settlement efforts until mid-May, 2005.
4. At this time, the parties believe that completing discovery is a necessary next step toward the resolution of this matter by settlement or otherwise. The parties have some additional written discovery to complete, and have taken no depositions to date.

5. In order to complete discovery, the parties respectfully request that the schedule be revised as follows:

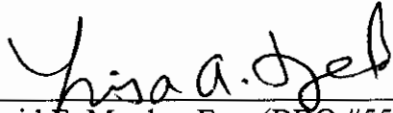
Fact Discovery Completed:	November 1, 2005
Discovery Motions:	November 1, 2005
Plaintiffs' Expert Reports and 26(a)(2) Disclosure:	December 1, 2006
Defendants' Expert Reports and 26(a)(2) Disclosure:	January 15, 2006
Plaintiff's Rebuttal Expert Report:	February 15, 2006
Expert Depositions completed:	April 15, 2006
Motions Relating to Expert Discovery:	April 15, 2006
Dispositive Motions Filed:	May 15, 2006
Oppositions to Dispositive Motions Filed:	June 15, 2006
26(a)(3) Disclosures:	July 15, 2006
Final Pretrial Conference:	July 30, 2006

The parties have submitted the foregoing dates in the [Proposed] Order Revising the Scheduling Order attached to this motion.

WHEREFORE, the parties respectfully request that the Court allow this motion and enter the [Proposed] Order Revising the Scheduling Order attached to this motion.

PLAINTIFFS

By their attorneys,



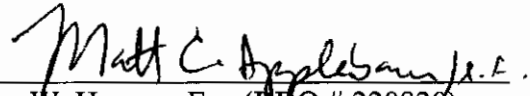
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Dated: May 27<sup>th</sup>, 2005

DEFENDANTS

By their attorneys,



Steven W. Hansen, Esq. (BBO # 220820)  
Matthew C. Applebaum, Esq. (BBO # 653606)  
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Dated: May 27<sup>th</sup>, 2005